

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-103033-001 DT

10/12/2017

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT
R. Williams
Deputy

STATE OF ARIZONA

JOSH MAXWELL
RYAN JOSEPH MCCARTHY

v.

STEPHEN MICHAEL HUDAK (001)

PAUL S BANALES

TRIAL MINUTE ENTRY
DAY SEVEN

Courtroom CCB 1303

State's Attorney:	Josh Maxwell and Ryan McCarthy
Defendant's Attorney:	Paul Banales
Defendant:	Not Present

Court Reporter, Celeste Paxton Jones, is present.

A record of the proceedings is also made digitally.

10:30 a.m. Trial to Jury continues from 10/11/2017.

This matter is heard in conjunction with Co-Defendant, Keith Bouquot (002), who is present and represented by Marc Adair. A separate minute entry will issue for said Co-Defendant.

LET THE RECORD REFLECT the Exhibits are marked under Defendant Stephen Hudak.

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LET THE RECORD FURTHER REFLECT that the jury is all present in the jury room and resume their deliberations from October 11, 2017.

12:00 p.m. Court reconvenes with respective counsel. Defendant is not present.

Court Reporter, Celeste Paxton Jones, is present.

A record of the proceedings is also made digitally.

The jury is not present.

LET THE RECORD REFLECT that the Court has received a note from the jury. Same is discussed by Court and counsel. The parties agree to a response and it is submitted to the jury.

12:05 p.m. Court stands at recess until 1:00 p.m.

1:07 p.m. Court reconvenes with respective counsel. Defendant is not present.

Court Reporter, Celeste Paxton Jones, is present.

A record of the proceedings is also made digitally.

The jury is not present.

Discussion is held.

1:09 p.m. The jury is present.

The jury is all present in the jury box and by their foreperson return in to Court their verdict, which is read and recorded by the Clerk and is as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant STEPHEN MICHAEL HUDAK as to COUNT 1: **BURGLARY IN THE THIRD DEGREE**

X **GUILTY**

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant STEPHEN MICHAEL HUDAK as to COUNT 2: **THEFT**

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X **GUILTY**

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant STEPHEN MICHAEL HUDAK as to COUNT 3: **ATTEMPT TO COMMIT TRAFFICKING IN STOLEN PROPERTY, SECOND DEGREE**

X **NOT GUILTY**

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant STEPHEN MICHAEL HUDAK as to COUNT 4: **RESISTING ARREST**

X **GUILTY**

The Court proceeds to the Aggravation Phase of this trial.

The Jury is instructed by the Court as to the law regarding the aggravating circumstances.

Counsel present argument on the aggravating factors.

1:40 p.m. The Jury retires in charge of their sworn Bailiff to consider their Aggravation Phase verdict. Court remains in session.

Discussion is held.

State's exhibits 69-72 are marked for identification.

State's exhibits 69-72 are offered and received in evidence.

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal or post-conviction relief. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form

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2:20 p.m. Court stands at recess.

2:51 p.m. Court reconvenes with Defendant not present and respective Counsel present.

Court Reporter, Celeste Paxton Jones, is present.

A record of the proceeding is also made digitally.

The jury is all present in the jury box and by their foreperson return in to Court their verdict, which is read and recorded by the Clerk and is as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths do unanimously find beyond a reasonable doubt the following aggravating circumstance(s) as checked below:

Count 1

Defendant had the presence of an accomplice.

X **PROVEN**

The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

X **PROVEN**

Count 2

Defendant had the presence of an accomplice.

X **PROVEN**

The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

X **PROVEN**

IT IS ORDERED pursuant to Rule 7.2 Defendant shall not be released on bail or own recognizance.

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Defendant having failed to appear,

IT IS ORDERED issuing a bench warrant. A separate minute entry will issue.

2:55 p.m. Court stands at recess.